

**September 26, 2006****SUBJECT: City's 2006 Conflict of Interest Code Biennial Notice****REPORT IN BRIEF**

Pursuant to requirements of the Political Reform Act, the City has conducted a biennial review of its Conflict of Interest Code and has determined that amendments to the list of City positions subject to its provisions are necessary.

BACKGROUND

The Political Reform Act requires every local government agency to review its Conflict of Interest Code biennially to determine if the Code is accurate, or alternatively, that the Code must be amended. The Public Records Act requires that no later than October 1 of each even-numbered year, each agency must submit to its code reviewing body, a notice indicating whether or not an amendment is necessary.

EXISTING POLICY

Council Legislative Policy No. 7.3.7: – Standard Conflict of Interest Code (Attachment A) addresses procedures developed in compliance with the Political Reform Act.

DISCUSSION

Per the Political Reform Act, City Council is required to review and file the City's Conflict of Interest Code Biennial Notice (Attachment B) no later than October 1 in order to allow adequate noticing to officers, employees, members and consultants of the agency, and to residents of the jurisdiction, and to allow an opportunity to present their views.

Staff complied with the Political Reform Act requirement that no later than July 1st of each even-numbered year, code reviewing bodies (City Council) must notify each agency within their jurisdiction (City of Sunnyvale) to review their Conflict of Interest Code. On May 24, 2006, the City of Sunnyvale notified Department Directors that positions and disclosure categories were to be reviewed and all proposed amendments returned to the Office of the City Clerk.

If it is determined that amendments to the City's Conflict of Interest Code and/or Disclosure Categories are necessary, the proposed revisions must be forwarded to the City Council for review and action within 90 days (after Council reviews and files the City's Conflict of Interest Code Biennial Notice).

FISCAL IMPACT

There is no fiscal impact as a result of this action.

CONCLUSION

Based on the 2006 review, staff determined that amendments to the City's Conflict of Interest Code and the Disclosure Categories are necessary. A revised Conflict of Interest Code will be returned to Council for review and action and is tentatively scheduled for the Council meeting of October 24, 2006.

PUBLIC CONTACT

Public contact was made through posting of the Council agenda on the City's official notice bulletin board, posting of the agenda and report on the City's web page, and the availability of the report in the Library and the Office of the City Clerk.

RECOMMENDATION

It is recommended that the City Council (as the City's code reviewing body) review and file the Conflict of Interest Code Biennial Notice.

Reviewed by:

Robert Walker, Assistant City Manager
Prepared by: Janice Clark, Deputy City Clerk

Approved by:

Amy Chan, City Manager

Attachments

Attachment A: Council Policy 7.3.7 – Standard Conflict of Interest Code
(without Appendix A)
Attachment B: 2006 Local Agency Biennial Notice

Policy 7.3.7 Standard Conflict of Interest Code

POLICY PURPOSE:

The purpose of this policy is to establish procedures developed in compliance with the terms of the Political Reform Act and related regulations concerning the adoption of Conflict of Interest Codes.

POLICY STATEMENT:

The Political Reform Act, Government Code §81000, et seq., requires state and local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted a regulation, 2 Cal. Code of Regs. §18730, which contains the terms of a standard Conflict of Interest Code, which may be incorporated by reference and which may be amended by the FPPC to conform to amendments in the Political Reform Act; these provisions are incorporated by reference as the City's Conflict of Interest Code. The standard Conflict of Interest Code requires a list of City positions subject to its provisions, and these are found in Appendix A. City Councilmembers, Planning Commissioners, City Managers, City Treasurers and City Attorneys are treated separately under the Political Reform Act and are not listed in the Appendix as designated employees. The persons holding positions listed in Appendix A are designated employees. Members of the Board of Building Code Appeals and the Heritage Preservation Commission also have been designated in the Conflict of Interest Code. It has been determined that these persons make or participate in making decisions which may have an effect on financial issues. The disclosure categories they must file under are set forth following the list of positions.

In accord with Government Code Section 87306.5, the Conflict of Interest Code is reviewed in even-numbered years and Appendix A is updated, if necessary.

All designated employees and certain Board and Commission members shall file Statements of Economic Interests, on forms required by the Fair Political Practices Commission, with the City Clerk no later than April 1 of each calendar year.

(Adopted: RTC 91-3CA (2/29/1991); Amended: 92-265 (6/9/1992), 94-351 (6/14/1994), 96-386 (10/1/1996), 98-326 (9/22/1998), 00-307 (9/12/2000), 02-415 (10/22/2002), 04-342 (9/28/2004); (Clerical/clarity update, Policy Update Project 7/2005))

2006 Local Agency Biennial Notice

Name of Agency: City of Sunnyvale
Mailing Address: P.O. Box 3707 Sunnyvale, CA 94088-3707
Contact Person: Janice Clark Office Phone No: (408) 730-7595
E-mail: jclark@ci.sunnyvale.ca.us Fax No: (408) 730-7696

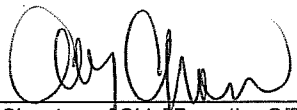
This agency has reviewed its conflict-of-interest code and has determined that:

☒ **An amendment is required. The following amendments are necessary:**
(Check all that apply)

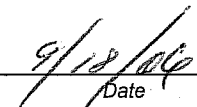
- ☒ Include new positions (including consultants) that must be designated
- ☐ Delete positions that manage public investments from the list of designated positions
- ☒ Revise disclosure categories
- ☐ Revise the titles of existing positions
- ☒ Delete titles of positions that have been abolished
- ☐ Other (describe) _____

☐ **No amendment is required.**

The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income which may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.



Signature of Chief Executive Officer



Date

Complete this notice regardless of how recently your code was approved or amended.
Please return this notice no later than **October 1, 2006** to:

(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)

Office of the Mayor and Council
Sunnyvale City Hall
456 W. Olive Avenue
P.O. Box 3707
Sunnyvale, CA 94088

Fair Political Practices Commission
(866) ASK-FPPC/www.fppc.ca.gov
Biennial Notice Locals - May 2006